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7 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA,) No. CR-08-178-LRS-5
9 Plaintiff,) ORDER GRANTING MOTION AND
10 v.) SETTING CONDITIONS
11 NATALIE J. NIVENS,) OF RELEASE
12 Defendant.) ☒ Motion Granted
13) (Ct. Rec. 190)
14) ☒ Status Hearing Set:
15) 6/10/09, 10:00 a.m.
16 ☐ Action Required

17 Date of Motion hearing: May 20, 2009.

18 **IT IS ORDERED** that the release of the Defendant is subject to the
19 following:

20 **STANDARD CONDITIONS OF RELEASE**

21 (1) Defendant shall not commit any offense in violation of federal,
22 state or local law. Defendant shall advise the supervising Pretrial
23 Services Officer and defense counsel within one business day of any
24 charge, arrest, or contact with law enforcement.

25 (2) Defendant shall immediately advise the court, defense counsel
26 and the U.S. Attorney in writing before any change in address and
27 telephone number.

28 (3) Defendant shall appear at all proceedings as required and shall
surrender for service of any sentence imposed as directed.

(4) Defendant shall sign and complete A.O. 199C before being
released and shall reside at the address furnished.

(5) Defendant shall not possess a firearm, destructive device or
other dangerous weapon.

(6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.

(7) Defendant shall contact defense counsel at least once a week.

(8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

BOND

(9) Defendant shall:

☒ Execute an unsecured appearance bond in the amount of TEN THOUSAND and NO/100 DOLLARS (\$10,000.00) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute an unsecured appearance bond, to be co-signed by _____, in the amount of _____ dollars (\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute: ☐ \$_____ corporate surety bond

☐ \$_____ property bond

☐ \$_____ cash bond

☐ \$_____ percentage bond, with
\$_____ paid in cash

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by

1 itself reasonably assure the appearance of the Defendant and the
 2 safety of other persons and the community,

3 **IT IS FURTHER ORDERED** that the release of the Defendant is subject
 4 to the following additional conditions:

5 ☐ (10) The Defendant is placed with:

6 _____
 7 Name of person or organization

8 _____
 9 Address

10 _____
 11 City and State Tele. Number

12 _____
 13 Signature Date

14 who agrees to sign a copy of this Order, **to be kept in Pretrial**
 15 **Services' file**; supervise the Defendant consistent with all the
 16 conditions of release; use every effort to assure the appearance of
 17 the Defendant at all scheduled court proceedings; and notify the
 18 court immediately in the event the Defendant violates any conditions
 19 of release or disappears.

20 ☐ (11) Maintain or actively seek lawful employment.

21 ☐ (12) Maintain or commence an education program.

22 ☐ (13) Surrender any passport to Pretrial Services and does not
 23 apply for a new passport.

24 ☒ (14) Defendant shall remain in the:

25 ☒ Eastern District of Washington or ☐ State of Washington

26 while the case is pending. On a showing of necessity, Defendant may
 27 obtain prior written permission to leave this area from the United
 28 States Probation Office, *after prior notice to the United States*

☐ Exceptions:

☐ (15) Avoid all contact, direct or indirect, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:

☒ (16) Avoid all contact, direct or indirect, with:

☒ Known felons

☒ Co-Defendant(s)

(except as unavoidable during group counseling sessions while undergoing chem. dep. treatment)

☐ (17) Undergo medical or psychiatric treatment and/or remain in an institution as follows:

☒ (18) Refrain from: ☒ any ☐ excessive use of alcohol

☒ (19) There shall be no alcohol in the home where Defendant resides.

☒ (20) There shall be no firearms in the home where Defendant resides.

☒ (21) Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

☐ (22) Except for employment purposes, Defendant shall not have access to the internet, including cell phones with internet access.

☐ (23) Defendant may not be in the presence of minors, unless a responsible, knowledgeable adult is present at all times.

SUBSTANCE ABUSE EVALUATION AND TREATMENT

If Defendant is required to submit to a substance abuse evaluation, inpatient or outpatient treatment, the following shall apply:

Defendant shall complete treatment indicated by an evaluation or recommended by Pretrial Services and shall comply with all rules of a treatment program. Defendant shall be responsible for the cost of

1 testing, evaluation and treatment, unless the United States
 2 Probation Office should determine otherwise. The United States
 3 Probation Office shall also determine the time and place of testing
 4 and evaluation and the scope of treatment. If Defendant fails in
 5 any way to comply or cooperate with the requirements and rules of a
 6 treatment program, Pretrial Services shall notify the court and the
 7 U.S. Marshal, who will be directed to immediately arrest the
 8 Defendant.

9 Defendant shall participate in one or more of the following
 10 treatment programs:

11 ☐ (24) **Substance Abuse Evaluation:** Defendant shall undergo a
 12 substance abuse evaluation:

13 ☐ if directed by a U.S. Probation Officer.

14 ☐ as directed by a U.S. Probation Officer.

15 ☐ Prior to release, Defendant must have an appointment for a
 16 substance abuse evaluation, and the appointment must be
 17 confirmed to the court by Pretrial Services. Defendant will
 18 be released:

19 ☐ one day prior to, or ☐ on the morning of his appointment.

20 ☒ (25) **Inpatient Treatment:** Defendant shall participate in an
 21 intensive inpatient treatment program.

22 ☐ Prior to release, an available bed and date of entry must be
 23 confirmed by Pretrial Services.

24 ☒ Defendant will be released to an agent of the inpatient
 25 program on May 22, 2009.

26 ☒ Prior to release from inpatient treatment, an outpatient
 27 treatment program must be presented to the court.

28 Accordingly, a status hearing is set for June 10, 1009, at
 10:00 a.m., before the undersigned. If Defendant does not
 have a structured outpatient treatment program in place prior
 to the status hearing, Defendant automatically will go back
 into the custody of the U.S. Marshal following inpatient

1 **treatment.**

2 ☒ Following inpatient treatment, Defendant shall participate in
3 an aftercare program.

4 ☐ **(26) Outpatient Treatment:** Defendant shall participate in
5 intensive outpatient treatment.

6 ☐ Prior to release, an appointment for Defendant's first
7 counseling session must be made and confirmed by Pretrial
8 Services. Defendant will be released:

9 ☐ one day prior to, or ☐ on the morning of his appointment

10 ☐ **(27) Other:** _____

11 _____

12 _____

13 _____

14 ☒ **(28) Prohibited Substance Testing:** If random urinalysis testing
15 is not done through a treatment program, random urinalysis testing
16 shall be conducted through Pretrial Services, and shall not exceed
17 six (6) times per month. Defendant shall submit to any method of
18 testing required by the Pretrial Service Office for determining
19 whether the Defendant is using a prohibited substance. Such methods
20 may be used with random frequency and include urine testing, the
21 wearing of a sweat patch, a remote alcohol testing system, and/or
22 any form of prohibited substance screening or testing. Defendant
23 shall refrain from obstructing or attempting to obstruct or tamper,
24 in any fashion, with the efficiency and accuracy of prohibited
25 substance testing. Full mutual releases shall be executed to permit
26 communication between the court, Pretrial Services, and the
27 treatment vendor. Treatment shall not interfere with Defendant's
28 court appearances.

HOME CONFINEMENT/ELECTRONIC/GPS MONITORING

☐ (29) Defendant shall participate in one or more of the following home confinement program(s):

☐ **Electronic Monitoring.** The Defendant shall participate in a program of electronically monitored home confinement. The Defendant shall wear, at all times, an electronic monitoring device under the supervision of U.S. Probation. In the event the Defendant does not respond to electronic monitoring or cannot be found, the U.S. Probation Office shall forthwith notify the United States Marshals' Service, who shall immediately find, arrest and detain the Defendant. The Defendant shall pay all or part of the cost of the program based upon ability to pay as determined by the U.S. Probation Office.

☐ **GPS Monitoring.** The Defendant shall participate in a program of GPS confinement. The Defendant shall wear, at all times, a GPS device under the supervision of U.S. Probation. In the event the Defendant does not respond to GPS monitoring or cannot be found, the U.S. Probation Office shall forthwith notify the United States Marshals' Service, who shall immediately find, arrest and detain the Defendant. The Defendant shall pay all or part of the cost of the program based up ability to pay as determined by the U.S. Probation Office.

☐ **Curfew.** Defendant shall be restricted to his/her residence:

☐ every day from _____ to _____

☐ as directed by the Pretrial Services Office

☒ **Home detention.** Defendant shall be restricted to his/her residence at all times except for: attorney visits; court appearances; case-related matters; court-ordered obligations; or

1 other activities as pre-approved by the Pretrial Services Office
2 or supervising officer, as well as:

3 ☐ employment ☐ education ☒ religious services *during afternoon*
4 ☒ medical, substance abuse, or mental health treatment *to be discussed 6-10-2009 at status conf.*

5 ☐ Maintain residence at a halfway house or community corrections
6 center, as deemed necessary by the Pretrial Services Office or
7 supervising officer.

8 DATED May 20, 2009.

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11 CYNTHIA IMBROGNO
12 UNITED STATES MAGISTRATE JUDGE
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